

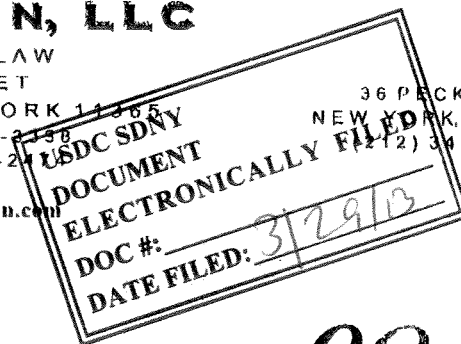
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March 21, 2013

CG

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Honorable Vincent L. Briccetti
United States District Judge
United States District Court
300 Quarropas Street, Room 630
White Plains, New York 10601

*Clerk instructed
to docket this
letter.
VJB udl
3/28/13*

Re: Caruso Glynn, LLC v. SAI Trust
Case No.: 11 Civ. 4360 (VLB)
CG File No.: 88.071108.01

Dear Judge Briccetti:

Plaintiff respectfully submits this correspondence at the direction of the Court this date and in response to the letter of Lawrence R. Munck to Your Honor seeking to withdraw his declaration submitted in opposition to defendants' motion for summary judgment.

It is unfortunate that this action has now sprawled in such a manner as to now include collateral damage to innocent third parties such as Mr. Munck. If the Court will indulge the undersigned to offer a very limited background, Mr. Munck ceased to be employed by Nicoletti Hornig & Sweeney ("NHS") as of approximately August 2012. Apparently Mr. Munck's departure from the NHS firm was not under the most amicable conditions. Mr. Munck's recent declaration was apparently received by NHS and thereafter, at some point in the past two weeks, Mr. Munck's recollection of events relevant to this action has apparently been "refreshed."

Mr. Munck, the controller at NHS, is a former co-worker of the undersigned, having worked together for approximately 8 years. Mr. Munck is also a very good friend of the undersigned. Thus, to the extent that his declaration has caused any added unpleasantness between him and his former employer, and to the extent that his declaration may cause any future adverse action directed towards Mr. Munck, plaintiff is amenable, without prejudice, to the Court allowing Mr. Munck to withdraw

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his declaration. Plaintiff requests permission at this time to file a sur-reply declaration and brief, and an opportunity to present any additional evidence necessary to address any of the issues raised in Mr. Munck's declaration that may also be addressed in defendants' forthcoming reply papers.

In the event that the Court requires further clarification as to the basis for Mr. Munck's request to withdraw his declaration and the role that defense counsel may have played in facilitating this unusual turn of events, plaintiff believes that an in chambers conference with all counsel to this action would be the most appropriate vehicle to further discuss these issues.

Respectfully yours,

CARUSO GLYNN, LLC

Lawrence C. Glynn

Lawrence C. Glynn

LCG/
Enc.

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Mr. Lawrence R. Munck
By Hand